

Minutes
ARIZONA STATE BOARD OF TECHNICAL REGISTRATION
1110 West Washington, Conference Room #240
Phoenix, AZ 85007

Tuesday, December 16, 2014

9:00 a.m.

OPEN SESSION

1. CALL TO ORDER – 9:03AM

- 2. ROLL CALL** – Board Members in attendance: LeRoy Brady, Douglas Folk, Neal Jones, Jason Madison, Edward Marley, Stephen Noel, and Robert Stanley. Absent: Alejandro Angel and Stuart Lane. Staff: Lorraine Brown, Melissa Cornelius, Michelle Johnson, Douglas Parlin, and Patrice Pritzl. Assistant Attorney General: Sarah Seltzer

3. CALL TO THE PUBLIC – No one addressed the Board.

4. ADOPTION OF MINUTES

Review, Consideration, and Possible Action on the following:

- A. Approve, modify and/or reject October 28, 2014 Board meeting minutes. – Mr. Folk moved to approve the October 28, 2014 minutes. Mr. Noel seconded the motion. No further discussion; motioned carried.
- B. Approve, modify and/or reject November 18, 2014 Board meeting minutes. – Mr. Folk moved to approve the November 18, 2014 minutes. Mr. Stanley seconded the motion. No further discussion; motion carried.

5. FORMAL HEARINGS

There were none scheduled during this Board meeting.

6. ENFORCEMENT MATTERS

Review, Consideration, and Possible Vote on the following:

- A. Complaints Proposed for Dismissal:
1. HI15-006, Greg F. Land, CHI #38217 – Mr. Stanley moved to dismiss this complaint. Mr. Madison seconded the motion. No further discussion; motion carried.
- B. Complaints Requiring Board Guidance:

1. HI15-013, Robert J. Jeglum, CHI #42690 (*For review in conjunction with Agenda Item 6.C.1*) – Mr. Jeglum addressed the Board explaining his concern about this complaint. Mr. Folk moved to allow the Respondent the opportunity to reinstate his license by paying all past due fees and submitting the documentation of his renewal to Staff. Further, if Mr. Jeglum is required to provide evidence of financial responsibility, the confirmation must be included in the documentation. Once the documentation has been reviewed and found acceptable by Staff, his certificate may be reinstated. Mr. Jeglum is required to account to the Board for the inspections he did during the period of time his registration had lapsed. Once these documentations are received, the Board will consider further action. Mr. Stanley seconded the motion. No further discussion; motion carried.

C. Complaints Proposed to Offer Consent Agreement:

1. HI14-052, Robert J. Jeglum, CHI #42690 (*For review in conjunction with Agenda Item 6.B.1*) – Mr. Jeglum addressed the Board explaining his concern about this complaint. Mr. Folk moved to amend the proposed Consent Agreement to issue a Letter of Reprimand, impose a Stayed Suspension/Probation for 12 months, impose an Administrative Penalty in the amount of \$2,500, impose the Cost of the Investigation in the amount of \$628, and require Mr. Jeglum to pay Restitution to Mr. Chris Sims in the amount of \$350. Failure to sign the Consent Agreement within 30 days will result in the matter being forwarded to a formal hearing. Mr. Brady seconded the motion. No further discussion; motion carried.
2. HI14-042, Steve L. Anderson, CHI #51896 – Mr. Anderson addressed the Board explaining his concern about this complaint. Mr. Chang, the complainant, also addressed the Board explaining his concern about this complaint. Mr. Folk moved to offer the Respondent a Consent Agreement with a Letter of Reprimand, impose a Stayed Suspension/Probation for 10 months, impose an Administrative Penalty in the amount of \$2,500, impose the Cost of the Investigation of \$914, require Mr. Anderson to pay Restitution to Mr. Chang in the amount of \$335, and submit four inspections for peer review. Failure to sign the Consent Agreement within 30 days will result in the matter being forwarded to a formal hearing. Mr. Stanley seconded the motion. No further discussion; motion carried.
3. AL14-009, Christopher Bouthner, Alarm Controlling Person #55019, and Desert Defense Security Services, Inc., Alarm Firm #18067 – Mr. Madison moved to offer the Respondent a Consent Agreement with a Letter of Reprimand, impose a Stayed Suspension/Probation for 6 months, impose an Administrative Penalty in the amount of \$1,000, and impose the Cost of the Investigation in the amount of \$350. Failure to sign the Consent Agreement within 30 days will result in the matter being forwarded to a formal hearing. Mr. Folk seconded the motion. No further discussion; motion carried.

- D. Complaints Proposed for Resolution with Signed Consent Agreements
1. HI14-044, Craig L. Neubaur, CHI #53606 – Mr. Folk moved to accept the Respondent's signed Consent Agreement for voluntary surrender of his home inspection registration. Mr. Brady seconded the motion. No further discussion; motion carried.

2. P15-077, Peter K. Takach, P.E. (Civil) #44085 – Mr. Folk moved to accept the third project as peer review and close this matter without further action. Mr. Noel seconded the motion. No further discussion; motion carried.

Mr. Stanley moved to issue a Letter of Concern regarding the Respondent presenting himself as a Structural Engineer. Mr. Brady seconded the motion. No further discussion; motion carried.

E. Compliance Monitoring Investigations:

1. HI11-014, Virendra T. Manaktala, CHI #40001 (canceled) – Mr. Brady moved to terminate the current Consent Agreement. Mr. Stanley seconded the motion. No further discussion; motion carried.

F. Complaints Proposed to Forward to Formal Hearing:

1. AL15-005, Christian Bluth, AA #56382
2. AL15-006, Oscar Bluth, AA #57762

Mr. Folk moved to combine items 6F1 and 6F2 into one consent agenda and to forward these items to a formal hearing. Mr. Brady seconded the motion. No further discussion; motion carried.

G. Review, Consideration and Action on Respondent's Counter-Offer of Consent:

1. HI13-017, Antone C. Goetz, CHI #38572 – Mr. Goetz addressed the Board explaining his concern about this complaint. Mr. Folk moved to amend the proposed Consent Agreement to impose an Administrative Penalty in the amount of \$3,000 payable in 12 months and pay the Cost of the Investigation in the amount of \$250. Failure to sign the Consent Agreement within 30 days will result in the matter being forwarded to a formal hearing. Mr. Noel seconded the motion. No further discussion, motion carried.

7. LICENSING MATTERS

Discussion, Consideration and Vote on the following:

A. Discussion, Consideration, and Vote to Grant or Deny Registration

1. Johnson, Bertrand, Civil Engineer Application # 141580 – Mr. Madison moved to grant the application. Mr. Stanley seconded the motion. No further discussion; motion carried.

2. Lau, Marcus, Assayer Application # 141785 – Mr. Noel moved to grant the application under A.R.S. §§32-126. Mr. Brady seconded the motion. No further discussion; motion carried.
3. Puell-Ortiz, Jorge, Mining Engineer Application # 141507 – Mr. Stanley moved to grant this application. Mr. Madison seconded the motion. No further discussion; motion carried.

B. Review, Consideration and Re-Open File of Civil Engineer Closed at last Meeting:

1. Gentile, Skye, Civil Engineer Application # 140941 – Mr. Madison moved to re-open this file. Mr. Stanley seconded the motion. No further discussion; motion carried.

8. LICENSING CONSENT AGENDA

A. Review, Consideration, and Action on the Evaluation Committee and Staff Recommendations for the following:

Lists of names available at the Board's office for public review

1. Granting professional registrations, certifications or in-training designations pursuant to A.R.S. §§ 32-122.01, 32-123;
2. Granting approval to applicants to sit for the professional or in-training examinations pursuant to A.R.S. § 32-122;
3. Granting professional registrations to those applicants possessing NCARB Blue Cover or NCEES Model Law Engineer certifications, pursuant to A.R.S. § 32-122.01, and § 32-123;
4. Granting professional registrations, certifications or in-training designations, or authorizations to test to those applicants who disclosed minor criminal history that has no reasonable relationship to the applicant's proposed area of practice or who disclosed lesser disciplinary action taken against their registrations in other jurisdictions, pursuant to A.R.S. §§32-122, 32-122.01 and § 32-123;
5. Deny Certification to Alarm Controlling Persons and Alarm Agents pursuant to A.R.S. §32-122.07;
6. Granting registration to Applicants who have met Board's requirements but Failed to Disclose on their application criminal history and convictions;
7. Re-Open files of Alarm Agents who were closed in error;
8. List of Alarm firm and Alarm Agent certifications granted by the Executive Director pursuant to A.R.S. § 32-122.05 and A.R.S. § 32-122.06.

Mr. Stanley moved to approve the December 16, 2014, agenda items 8.A.1-8.A.8. Mr. Brady seconded the motion. No further discussion; motion carried.

9. POLICY MATTERS

Review, Consideration, and Possible Action on the following:

- A. Proposed Board Chair letter to Chief Building Officials in State of Arizona – Mr. Brady moved to mail out the Board Chair letter with the omission of the word commercial and referencing A.R.S. §32-144. Mr. Madison seconded the motion. No further discussion; motion carried.

10. DIRECTOR'S REPORT

- A. Budget Update – Ms. Cornelius stated that 42% of the FY15 budget year had elapsed, 36% of the appropriation and 100% of revenues have been spent.
- B. Staff Update – Ms. Cornelius reported that Alicia Guerra was promoted to an Administrative Services Officer 3, with the working title of Assistant Director.
- C. Previous Meeting Follow-Up – Ms. Cornelius reported that two Bill folders had been opened with the Legislature for pending legislation to move the Alarms and Drug labs from the Board of Technical Registration's jurisdiction this coming session.

Ms. Cornelius also noted that the Board's Lobbyist had reported that Mr. Gowan will be sponsoring a bill that supports a recommendation that the Alarm Firms be moved to the Registrar of Contractors for regulation.

- D. Director's Meetings – On December 17, 2014, Ms. Cornelius stated that she and Ms. Pritzl were scheduled to meet with the lobbyist for the Engineering Association to discuss possible "Prompt Pay" legislation.
- E. Licensing – Ms. Cornelius reported that the Board received 25 more firm registrations then last month. All other application numbers are down this month from last month.
- F. Enforcement – Enforcement is working on 75 open cases (that is 11 fewer than last month) and 28 complaints against non-registrants. They continue to monitor 29 unremediated drug labs. Of the cases referred for criminal prosecution, 4 have been resolved by conviction, 1 case was declined, and the remainders are pending.

- 11. **BOARD CHAIR'S REPORT** – Mr. Marley stated he attended the WCARB meeting in Las Vegas, NV. WCARB's will review annual fees at the annual meeting.

12. STANDING COMMITTEE REPORTS

- A. Legislation and Rules Committee – Mr. Folk reported the Committee noted that

Substantive Policy 3 regarding fire sprinklers and the split of responsibility between registrants and non-registrants designing installation drawings may need clarification. Ms. Cornelius was directed to draft a letter to the gentleman who submitted the request.

The Committee reviewed the complaint that municipalities are hiring unqualified flow test firms. The Committee decided to reach out to fire protection engineering community to get their feedback on what they considered professional practice in the area of flow testing.

The Committee reviewed whether to create a Criminal Conviction Aggravation/Mitigation Substantive Policy. The Committee recommended that, instead of the Substantive Policy, applications should include a notice that staff will conduct criminal background checks.

The Committee reviewed whether to shorten the required 96 months of experience for architect registration. The consensus of the Committee was to support the change and to consider altering the experience criteria for all the professions the Board regulates.

The Committee reviewed whether the Board should require all applicants for registration in Arizona to pass a state specific "Jurisprudence" examination. The Committee suggested an open book exam on the Board rules and regulations would be beneficial. The staff will inquire about implementing this test when the new computer system is available.

The Committee reviewed the question of whether a professional registrant is required to seal and stamp as-built or record plans if a contractor has made modifications. The Committee referred to A.R.S. §32-152.

The next Legislation and Rules Committee meeting is March 19, 2015 at 9:30AM.

- B. Home Inspector Rules and Standards Committee – Nothing new to report.
- C. Environmental Remediation Rules and Standards Committee – Nothing new to report.

13. BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES

- A. National Council of Examiners for Engineering and Surveying ("NCEES") – The President's Assembly is scheduled for February 7, 2015 in Atlanta.
- B. National Council of Architectural Registration Boards ("NCARB") – WCARB will be having a regional summit in Long Beach, CA in March 2015.

C. Council of Landscape Architectural Registration Boards (“CLARB”) – Nothing new to report.

D. National Association of State Boards of Geology (“ASBOG”) – Mr. Noel reported on the ASBOG November meeting.

E. Public Member News/Information – Nothing new to report.

14. **FUTURE BOARD MEETINGS** – Tuesday, January 27, 2015 at 9:00 a.m.

15. **SUGGESTED TOPICS FOR FUTURE MEETING AGENDAS** – Nothing added at this time.

16. **MEETING ADJOURNMENT** – 12:23 PM



Ed Marley, Chairman



Melissa Cornelius, Executive Director